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10/749,423	12/31/2003	Shankar Ramamurthy	EPIA-002/00US	9566
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COOLEY GODWARD, LLP 3000 EL CAMINO REAL 5 PALO ALTO SQUARE PALO ALTO, CA 94306			EXAMINER TRAN, MAI T	
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,423

Applicant(s)

RAMAMURTHY ET AL.

Examiner

Mai T. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is responsive to application 10/749423, filed December 31, 2003.

Claims 1-16 are presented for examination.

### DRAWINGS

The drawings are objected to because of the minor informalities:

- The set of replacement drawings filed on June 6, 2004 are not accepted because they are not legible and not free from copy marks.
- Figure 3:
  - ❖ Reference character 32 is labeled “web server” but in Figures 4 and 6 it is labeled “webserver”.
  - ❖ The link from reference character 54 to reference character 74 was labeled Context definition, which is not consistent with the specification.
  - ❖ The label of reference character 62 “Stimulator and animator of a rapid training development system” is barely visible in the drawings.
- Figure 8:
  - ❖ Reference character 142 is labeled “Select interviews and studies”, which is consistent with the specification.
  - ❖ Reference character 148 is labeled “Cataloged Epiplex Processes”, which is not consistent with the specification.

Applicants are suggested to be consistent with the naming and spelling of reference characters numbers through out the drawings and the specification. Applicants are also suggested to have all the figures labels and reference characters typed.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show reference character 138 in Figure 7 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### SPECIFICATION

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

The disclosure is objected to because of the numerous informalities. The following is a non-exhaustive list of examples:

1. One page 1, line 20: there are two periods after “provided to a user”.
2. On page 6:
  - line 2: “While the user is performing takes, the list of content is bought up automatically”. The sentence is grammatically incorrect.
  - line 20: “or may have a only a fuzzy”. The sentence is not correct.
3. On page 7:
  - line 5: “IDT (Internet Data Transfer), but on page 10, line 27, IDT (Intelligent Dialog Technology). Applicants need to clarify on this subject.
  - line 8: “The present system 20 understands the context 12 in two forms”, but Applicants listed a), b), c), and d).

- line 22: “is used provide a business user”. The sentence is grammatically incorrect.
4. On page 9:
    - line 9 “web server 32” but on page 10, line 6 “webserver system 32”, on page 11, line and line 16, “web server 32”. The spelling of web server is not consistent throughout the specification.
    - line 21 “content definition” is different from the drawings in Figure 3.
  5. On page 11, line 12 “knowledge objects 122” is not spelled consistently with the drawing of Figure 6.
  6. On page 12:
    - Line 5: after “playback” there are a comma and a period. Please remove the period.
  7. On page 13, lines 15-16, reference character 160 has been both used to designate “embedded knowledge” and “smart interfaces for the users”.

Appropriate correction is required.

### **CLAIM REJECTIONS - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The invention as disclosed in claims **1-16** is directed to non-statutory subject matter.

2. None of the claims is limited to practical applications in the technological arts. Examiner finds that *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994) controls

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the 35 U.S.C. § 101 issues on that point for reasons made clear by the Federal Circuit in *AT&T Corp. v. Excel Communications, Inc.*, 50 USPQ2d 1447 (Fed. Cir. 1999).

Specially, the Federal Circuit held that the act of:

...[T]aking several abstract ideas and manipulating them together adds nothing to the basic equation. *AT&T v. Excel* at 1453 quoting *In re Warmerdam*, 33 F.3d 1354, 1360 (Fed. Cir. 1994).

Examiner finds that Applicants' "object identification, knowledge object generation and deployment" references are just such abstract ideas.

3. Examiner bases his position upon guidance provided by the Federal Circuit in *In re Warmerdam*, as interpreted by *AT&T v. Excel*. This set of precedents is within the same line of cases as the *Alappat-State Street Bank* decisions and is in complete agreement with those decisions. *Warmerdam* is consistent with *State Street*'s holding that:

Today we hold that *the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price*, constitutes a practical application of a mathematical algorithm, formula, or calculation because it produces "a useful, concrete and tangible result" -- *a final share price momentarily fixed for recording purposes and even accepted and relied upon by regulatory authorities and in subsequent trades*. (emphasis added) *State Street Bank* at 1601.

4. True enough, that case later eliminated the "business method exception" in order to show that business methods were not per se nonstatutory, but the court clearly *did not* go so far as to make business methods *per se* statutory. A plain reading of the excerpt above shows that the Court was *very specific* in its definition of the new *practical application*. It would have been much easier for the court to say that "business methods were per se statutory" than it was to define the practical application in the case as "...the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price..."
5. The court was being very specific.

6. Additionally, the court was also careful to specify that the “useful, concrete and tangible result” it found was “a final share price momentarily fixed for recording purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.” (i.e. the trading activity is the further practical use of the real world monetary data beyond the transformation in the computer – i.e., “post-processing activity”).
7. Applicants cite no such specific results to define a useful, concrete and tangible result. Neither do Applicants specify the associated practical application with the kind of specificity the Federal Circuit used.
8. Furthermore, in the case *In re Warmerdam*, the Federal Circuit held that:

...[T]he dispositive issue for assessing compliance with Section 101 in this case is whether the claim is for a process that goes beyond simply manipulating ‘abstract ideas’ or ‘natural phenomena’ ... As the Supreme Court has made clear, ‘[a]n idea of itself is not patentable, ... taking several abstract ideas and manipulating them together adds nothing to the basic equation’. In re Warmerdam 31 USPQ2d at 1759 (emphasis added).



9. Since the Federal Circuit held in *Warmerdam* that this is the “dispositive issue” when it judged the usefulness, concreteness, and tangibility of the claim limitations in that case, Examiner in the present case views this holding as the dispositive issue for determining whether a claim is “useful, concrete, and tangible” in similar cases. Accordingly, the Examiner finds that Applicants manipulated a set of abstract “determining a context, a goal of a user’s action, capturing user’s interactions with software applications, modeling processes” to solve purely algorithmic problems in the abstract [i.e. what *kind* of context or goal of a user’s action to be determined? what *kind* of “process” to be modeled”? (mental process i.e. process of thinking?), what *kind* of “user’s interactions with software applications” is used? (algorithm elements? eyes movement of a user? user’s heart rhythm?)]. Clearly, a claim for manipulation of “determining a context, a goal of a user’s action, capturing user’s interactions with software applications, modeling processes” is provably even more abstract (and thereby less limited in practical application) than pure “mathematical algorithms” which the Supreme Court has held are per se nonstatutory – in fact, it *includes* the expression of nonstatutory mathematical algorithms.
10. Since the claims are not limited to exclude such abstractions, the broadest reasonable interpretation of the claim limitations includes such abstractions. Therefore, the claims are impermissibly abstract under 35 U.S.C. §101 doctrine.
11. Since *Warmerdam* is within the *Alappat-State Street Bank* line of cases, it takes the same view of “useful, concrete, and tangible” the Federal Circuit applied in *State Street Bank*. Therefore, under *State Street Bank*, this could not be a “useful, concrete and tangible result”. There is only manipulation of abstract ideas.

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12. The Federal Circuit validated the use of *Warmerdam* in its more recent *AT&T Corp. v.*

*Excel Communications, Inc.* decision. The Court reminded us that:

Finally, the decision in *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994) is not to the contrary. \*\*\* The court found that the claimed process did nothing more than manipulate basic mathematical constructs and concluded that 'taking several abstract ideas and manipulating them together adds nothing to the basic equation'; hence, the court held that the claims were properly rejected under § 101 ... Whether one agrees with the court's conclusion on the facts, the **holding** of the case is a straightforward application of the basic principle that mere laws of nature, natural phenomena, and abstract ideas are not within the categories of inventions or discoveries that may be patented under § 101. (emphasis added) *AT&T Corp. v. Excel Communications, Inc.*, 50 USPQ2d 1447, 1453 (Fed. Cir. 1999).

13. Remember that in *In re Warmerdam*, the Court said that this was the dispositive issue to be considered. In the *AT&T* decision cited above, the Court reaffirms that this is the issue for assessing the “useful, concrete, and tangible” nature of a set of claims under 101 doctrine. Accordingly, Examiner views the *Warmerdam* holding as the dispositive issue in this analogous case.
14. The fact that the invention is merely the manipulation of *abstract ideas* is clear. The data referred to by Applicant's phrase “determining a context, a goal of a user's action, capturing user's interactions with software applications, modeling processes” is simply an abstract construct that does not limit the claims to the transformation of real world data (such as monetary data or heart rhythm data) by some disclosed process. Consequently, the necessary conclusion under *AT&T*, *State Street* and *Warmerdam*, is straightforward and clear. The claims take several abstract ideas (i.e., “determining a context, a goal of a user's action, capturing user's interactions with software applications, modeling processes” in the abstract) and manipulate them together adding nothing to the basic equation. Claims 1-16 are, thereby, rejected under 35 U.S.C. § 101.

### CLAIM REJECTIONS - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- Claims 1-16 are rejected under 35 U.S.C. §112, first paragraph because current case law (and accordingly, the MPEP) require such a rejection if a §101 rejection is given because when Applicant has not in fact disclosed the practical application for the invention, as a matter of law there is no way Applicant could have disclosed *how* to practice the *undisclosed* practical application. This is how the MPEP puts it:

("The how to use prong of section 112 incorporates as a matter of law the requirement of 35 U.S.C. §101 that the specification disclose as a matter of fact a practical utility for the invention.... If the application fails as a matter of fact to satisfy 35 U.S.C. §101, then the application also fails as a matter of law to enable one of ordinary skill in the art to use the invention under 35 U.S.C. §112."); In re Kirk, 376 F.2d 936, 942, 153 USPQ 48, 53 (CCPA 1967) ("Necessarily, compliance with § 112 requires a description of how to use presently useful inventions, **otherwise an applicant would anomalously be required to teach how to use a useless invention.**") See, MPEP 2107.01(IV), quoting In re Kirk (emphasis added).

Therefore, claims 1-16 are rejected on this basis.

### CLAIM REJECTIONS - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by

Bullwinkel et al (U. S. Patent No. 6,099,317), hereafter Bullwinkel.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Ingoglia et al (U. S. Patent No. 5,214,780) hereafter Ingoglia.

**Claim 1**

Bullwinkel teaches a method for object identification, comprising the steps of:  
determining a context of a user's actions (col. 5, lines 57-67, col. 6, lines 1-15, col. 8, lines 46-49);  
determining a goal of a user's actions (col. 5, lines 57-67, col. 6, lines 1-15);  
based on the context and the goal, determining a path for the user to reach the goal (col. 5, lines 57-67, col. 6, lines 1-15); and  
determining process aids and guidance for use by the user to aid in reaching the goal (col. 5, lines 57-67, col. 6, lines 1-15).

**Claim 2**

Bullwinkel teaches a method for knowledge object generation and deployment, comprising the steps of:  
capturing user interactions with software applications (col. 2, lines 63-67, col. 3, lines 1-3);  
modeling processes being performed by the user during the interactions (col. 5, lines 12-16);  
generating knowledge content including (col. 5, lines 12-16, lines 23-25);  
defining a context of the interactions (col. 6, lines 3-6),  
providing at least one of documentation and training relating to the process (col. 5, lines 23-25, col. 6, lines 13-15); and

deploying the knowledge content as knowledge objects to a user device (col. 5, lines 29-30, Examiner asserts knowledge objects as recorded events).

**Claim 3**

Bullwinkel teaches a method as claimed in claim 2, wherein said generating knowledge content includes providing best practices for the process (col. 2, lines 39-44).

**Claim 4**

Bullwinkel teaches a method as claimed in claim 2, wherein said deploying is through a web server to a browser of a user device (col. 5, lines 36-38).

**Claim 5**

Bullwinkel teaches a method as claimed in claim 2, further comprising the step of:  
depositing said knowledge objects in a repository prior to said step of deploying (col. 10, lines 21-24).

**Claim 6**

Bullwinkel teaches a method as claimed in claim 5, further comprising the step of:  
providing access to said repository by a developer (col. 7, lines 22-24, col. 8, lines 50-53).

**Claim 7**

Bullwinkel teaches a method as claimed in claim 2, further comprising the step of:  
incorporating third party content with said knowledge objects (col. 8, lines 50-53,  
Examiner asserts third party content as other modes of operation).

**Claim 8**

Bullwinkel teaches a method as claimed in claim 2, further comprising the steps of:

providing said knowledge objects as templates (col. 5, lines 14-20); and  
editing said templates (col. 7, lines 20-21, col. 10, lines 25-26).

**Claim 9**

Bullwinkel teaches a method as claimed in claim 8, wherein said editing of said templates includes at least one of: sentence templates, document templates, offline templates, coach templates and internet data transfer templates (col. 5, lines 14-20).

**Claim 14**

Bullwinkel teaches a system for knowledge object generation, comprising:

process capture elements operable to capture user interaction with software applications as captured processes (col. 2, lines 63-67, col. 3, lines 1-3);

a storage connected to receive and store said captured process (col. 10, lines 21-24);

a knowledge content layer connected to receive said captured processes from said storage for analysis of content (col. 8, lines 1-13);

a presentation layer connected to receive said content of said knowledge content layer to present said content as templates (col.5, lines 14-20); and

a deployment layer connected to receive said templates from said presentation layer and provide said templates to a user's device (col. 5, lines 36-38).

**Claim 15**

Bullwinkel teaches a system as claimed in claim 14, wherein said knowledge content layer includes at least one of the following:

an internet data transfer author to provide context definition (col. 5, lines 10-12);

an analyzer to provide process analysis (col. 8, lines 1-13),

a coach to provide knowledge provisioning as an interface (col. 6, lines 32-40),  
a documentor to provide process documentation (col. 6, lines 47-54), and  
a simulator to provide training presentations (col. 6, lines 13-15).

**Claim 16**

Bullwinkel teaches a system as claimed in claim 14, further comprising:

a repository connected to receive templates from said presentation layer and to provide  
said templates to said deployment layer (col.10. lines 21-24).

**Claim 10**

Ingolia teaches a software developer's tool kit, comprising:

a tool kit for developers of software (col. 5, line 21), including:

a core technology component (col. 5, lines 19-28);

a programming interface to a system (col. 5, lines 25-26); and

an interface to system process files (col. 5, lines 30-31).

**CLAIM REJECTIONS - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459  
(1966), that are applied for establishing a background for determining obviousness under 35  
U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ingoglia as applied to claim 10 above, and further in view of "The Role of XML in Open Hypermedia Systems", by Jacco van Ossenbruggen et al, hereafter Van Ossenbruggen. Ingoglia teaches a software developer's tool kit but fails to disclose system process files are XML format.

Van Ossenbruggen teaches the use of XML as a data format for structured document interchange on the Web and XML plays an important role in the development of open hypermedia systems (abstract).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the software developer's tool kit of Ingoglia with the XML format of Van Ossenbruggen. The motivation for doing so would be to introduce hypermedia technology into as many applications and components of existing computing



environments as possible and to evolve current computing environments into a world-wide, unified hypermedia environment spanning multiple computing platforms (Introduction, lines 2-5).

- **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ingoglia and further in view of Van Ossenbruggen as applied to claims 10-11 above. Ingoglia teaches captured process files of a user performing a process (col. 1, lines 28-35).
- **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ingoglia in view of Van Ossenbruggen as applied to claims 10-12 above, and further in view of “A Model Driven Methodology for Business Process Engineering”, by Bipin Chadha, hereafter Chadha.

Ingoglia and Van Ossenbruggen teach substantially all of applicants’ claimed invention but fail to disclose process files of a to-be process.

Chadha teaches the development of to-be process (page 4, left col. 2<sup>nd</sup> paragraph).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the software developer’s tool kit of Ingoglia with the XML format of Van Ossenbruggen and the development of to-be process of Chadha.

The motivation for doing so would be to support an organization’s migration to effective, agile and efficient processes (page 1, right col., 2<sup>nd</sup> paragraph), and the to-be process is a radical departure from the old process where problems exist (page 1, left col., 2<sup>nd</sup> paragraph).

## CONCLUSION

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Hensley et al, U. S. Patent No. 5,333,302, discloses filtering event capture data for computer software evaluation.
2. Potts et al, U. S. Patent No. 5,432,940, discloses a system and method for improved computer-based training.
3. Bowen, Robert E., U. S. Patent No. 5,442,786, discloses a method for recording user interaction with a computer database to generate reports.
4. Hart et al, U. S. Patent No. 5,546,502, discloses an automatic invocation of computational resources without user intervention.
5. Uyama, Masashi, U. S. Patent No. 5,560,011, discloses a computer system for monitoring a user's utilization pattern to determine useful tasks.
6. Hart et al, U. S. Patent No. 6,041,182, discloses an automatic invocation of computational resources without user intervention.
7. Elkind, Jim, U. S. Patent No. 6,149,586, discloses a system and method for diagnosing executive dysfunctions using virtual reality and computer simulation.
8. Agrawal et al, U. S. Patent No. 6,278,977, discloses deriving process models for workflow management systems from audit trails.
9. Bullwinkel et al, U. S. Patent No. 6,453,254, discloses a device that interacts with target applications.

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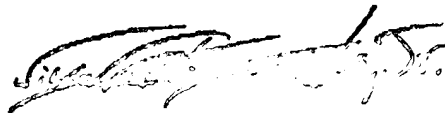
10. Weinberg et al, U. S. Patent No. 6,587,969, discloses software system and methods for testing the functionality of a transactional server.
11. Bischof et al, US-PGPub 2004/0041827, discloses non-client-specific testing of applications.

### **CORRESPONDENCE INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571) 272-4238. The examiner can normally be reached on M-F 9:00am-- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M.T.T  
Patent Examiner  
Date: 3/02/2006

Wilbert L. Starks  
Primary Examiner  
Tech Center 2100